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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,359	11/18/1999	DONALD E. GILLESPIE	USW#1674	8540

22193 7590 03/18/2004

QWEST COMMUNICATIONS INTERNATIONAL INC
LAW DEPT INTELLECTUAL PROPERTY GROUP
1801 CALIFORNIA STREET, SUITE 3800
DENVER, CO 80202

EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/444,359

Applicant(s)

GILLESPIE ET AL.

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/17/04 have been fully considered but they are not persuasive.
2. Applicants argue that office action does not cite a reference that teaches or suggest a motivation to combine reference teachings. Rodrigues does not teach "user defined". However, with the broadest interpretation since the claim limitation does not specifying who is receiving, just simply states receiving from the mobile subscriber, Rodrigues discloses "information relating to the digits depressed on the keypad are received" reads on "receiving from the mobile subscriber user-defined" (see Rodrigues, col.7 lines 32-35), the user of the phone program/define how the call should handle, i.e., current roaming, current home location is defined by the SID (see Rodrigues, col.5 lines 49-67, and col.12 lines 14-62). So that the user may want to limit usage of their portable communication for communication only within the vicinity of the local or primary service provider as suggested by Rodriguez (see col.4 lines 19-24).
3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-26, 30-34, 37-39 and 42, are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson et al. (US Patent 6,230,017) and further in view of Rodrigues (US Patent 6,577,857).

As to claim 1, Andersson et al. disclose a method for processing telephone calls (see col.8 lines 25-34) for a mobile subscriber associated with a wireless network the method comprising:

Determining a current location of the mobile subscriber (see col.4 lines 60-67);
and

processing the telephone services based on the location-dependent rules and the current location of the mobile subscriber (see col.2 lines 45-56).

Andersson et al. fail to disclose receiving from the mobile subscriber user-defined associated with at least one telephone service subscribed to by the mobile subscriber.

Rodrigues discloses receiving from the mobile subscriber user-defined associated with at least one telephone service subscribed to by the mobile subscriber (see col.7 lines 27-42). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Andersson et al. with the above teaching of Rodrigues in order to provide ongoing telephone services being selected/defined by the subscriber.

As to claims 17, 30-31, the combination Andersson et al. disclose everything as claim 1 above. More specifically, ~~Bridges et al.~~ disclose database (see Andersson,

Anderson

col.2 lines 25-27) for storing user-defined, location-dependent rules associated with at least one telephone service subscribed to by the mobile subscriber; and

Service logic for determining a current location of the mobile subscriber and generating call processing instructions for processing the telephone calls based on the user-defined, location-dependent rules and the current location of the mobile subscriber (see Andersson, col.3 line 57 through col.5 line 15).

As to claim 2, the combination Andersson et al. disclose receiving the user-defined, the location-dependent rules comprises:

Receiving from the subscriber a specification for at least one geographic area associated with the mobile subscriber (see Rodriguez, col.11 lines 39-67); and

Receiving from the subscriber rules for processing the at least one telephone service for the mobile subscriber when the mobile subscriber is in one of the geographic area (see Rodriguez, col.5 lines 24-54 and col.7 lines 27-42).

As to claims 3-4 and 18-20, the combination Andersson et al. disclose defining the at least one geographic includes defining a dynamic area dependent on the instantaneous location of the subscriber (see Rodriguez, col.5 lines 24-54 and col.7 lines 27-42), "Roam" corresponds to "dynamic area"

As to claims 5-7, 21-23, the combination Andersson et al. disclose the specification defines a static geographic area independent of the current location of the subscriber (see Rodriguez, col.5 lines 24-54 and col.7 lines 27-42), the examiner interprets "Home" corresponds to "static geographic area".

As to claims 8-9, 11-15, 24-25, the combination Andersson et al. disclose processing telephone call comprises

Receiving an outgoing call signal from the mobile subscriber (see Andersson, col.2 lines 39-44); and

Processing the outgoing call based on the user-defined, location-dependent rules and the current location of the (see Andersson, col.2 lines 40-65).

As to claim 10, 26, the combination Andersson et al. disclose receiving signal includes the signal from the wireless subscriber in response to a prompt from the wireless network (see Rodriguez, col.5 lines 24-54).

As to claims 16 and 32, the combination Andersson et al. disclose determining supplemental subscriber information from the mobile subscriber (see Rodriguez, col.9 line 55 through col.10 line 65); and

Wherein processing a telephone call further comprises processing the telephone call based on the supplemental subscriber information (see Rodriguez col.9-10, the current location of the subscriber (see Rodriguez, col.5 lines 51--52) and the user-defined, location dependent rules (see col.7 lines 27-44).

As to claims 33, 37-38 and 42, the modified Andersson et al. disclose the current location of the mobile subscriber includes an area not defined by the boundaries of a cell of the wireless network (see Andersson, col.2 lines 37-38).

As to claims 34 and 39, the modified Andersson et al. disclose at least one telephone service includes caller identification (see Rodriguez col.10).

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5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson et al., in view of Rodriguez and further in view of Titmuss et al. (US Patent 6,397,040).

As to claim 27, the modified Andersson et al. fail to disclose receiving a Global Positioning Signal from the subscriber (see Andersson, col.5 lines 13-20).

Titmuss et al. disclose a Global Position Signal (see col.5 lines 13-20). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Andersson et al. with the above teaching of Titmuss et al. in order to provide Global Position Signal to determine position of the mobile station.

6. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson et al., in view of Rodriguez and further in view of Garceran et al. (US Patent 6,522,888).

As to claims 28-29, the modified Andersson et al. fail to disclose the service logic, in receiving the signal, is further operative to receive a strength of the signal from the mobile subscriber.

Garceran et al. disclose the service logic, in receiving the signal, is further operative to receive a strength of the signal from the mobile subscriber (see col.3 lines 34-44 and 36-59). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Andersson et al. with the above teaching of Garceran et al. in order to provide location information

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of a mobile station serving by a base station at a certain transmit power and frequencies given certain operating condition or parameters such as time, weather, traffic load, path loss and/or interference level.

7. Claims 35-36 and 40-41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson, in view of Rodriguez and further in view of Dufour et al (US Patent 6,212,377).

Regarding to claims 35-36, 40-41, Andersson et al. fail to disclose at least one telephone service includes call forwarding and do not disturb.

Dufour et al. disclose at least one telephone service includes call forwarding and do not disturb (see col.4 lines 30-45). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Andersson with the above teaching of Dufour et al. in order to provide basic services for wireless phones.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

3/15/04


NAY MAUNG
SUPERVISORY PATENT EXAMINER